

MEMORANDUM

April 9, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID O'KEEFE, ESQ.
Bonne, Bridges, Mueller, O'Keefe & Nichols

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: Maria S. Torres, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 337120

DATE OF
INCIDENT: January 1, 2005

AUTHORITY
REQUESTED: \$150,000.00

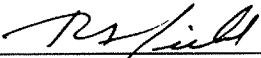
COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES


CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval

, Chief Administrative Office
ROCKY ARMFIELD

, County Counsel
JOHN F. KRATTLI

, Auditor-Controller
MARIA M. OMS

on April 16, 2007

SUMMARY

This is a recommendation to settle for \$150,000.00 the medical negligence/wrongful death lawsuit brought by Maria Torres and Tereso Ortiz, the surviving parents of Jaime Ortiz, who died several months after receiving care and treatment at LAC+USC Medical Center ("LAC+USC").

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

In 1991, Jaime Ortiz, a then 12-year-old male, was diagnosed with Crohn's disease (an inflammatory condition that affects the intestines), and was placed on medications to control his condition. Since medications did not fully control the patient's Crohn's disease, he became a candidate for surgery. On September 3, 2003, at the age of 24, Mr. Ortiz was admitted to LAC+USC to undergo an operation.

On September 17, 2003, Jaime Ortiz underwent a total colectomy (the complete removal of the large intestine) and ileorectal anastomosis (a procedure performed after colectomy, where the end of the small intestine is surgically connected to the rectum). The patient was discharged on September 24, 2003.

At about 3:04 p.m. on September 26, 2003, Mr. Ortiz returned to the Emergency Room at LAC+USC with complaints of abdominal pain and shortness of breath. The personnel first suspected a small bowel obstruction and recommended a Naso-Gastric Tube ("NGT" a tube that is inserted through the nose into the stomach to decompress the stomach). The patient, however, refused the NGT.

The patient's symptoms progressed. At around 11:30 a.m. on September, 27, 2003, and since the patient was vomiting severely, the personnel suspected that the patient had a leak from the location of the ileorectal anastomosis. To evaluate the possibility of an anastomotic leak, the personnel ordered an abdominal CT scan. The CT scan was performed around 8:00 p.m. on the same day which showed evidence of a leak.

After the CT scan, the patient continued to vomit and began showing signs of respiratory distress. During an intubation procedure at 10:50 p.m. on September 27, 2003 (when a tube was inserted into the patient's airway to assist

him with breathing), the patient suffered an arrest, but was successfully resuscitated. Unfortunately, during the arrest, the patient suffered irreversible hypoxic encephalopathy (an injury to the brain caused by lack of oxygen). Subsequent brain CT scan and neurological examinations confirmed the diagnosis of hypoxic encephalopathy.

Jaime Ortiz was transferred to a long term care facility, where he died on January 1, 2005 due to pneumonia (a common complication for patients with a clinical picture such as Jaime Ortiz).

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering (MICRA Limit)	\$250,000.00
Loss of Services	\$ 70,000.00
Funeral Expenses	\$ 7,500.00
Medi-Cal Lien (Gross)	<u>\$400,678.05</u>
TOTAL	\$728,178.05

The proposed settlement includes:

Pain and Suffering (for both plaintiffs)	\$ 93,333.33
Attorney's Fees (MICRA Estimate)	\$ 46,666.67
Medi-Cal Lien	\$ 0.00
Costs of Litigation	<u>\$ 10,000.00</u>
TOTAL	\$150,000.00

STATUS OF CASE

The plaintiffs brought a lawsuit for medical malpractice and wrongful death against the County of Los Angeles. The current trial date has been vacated pending approval of this settlement.

This matter involved several medical issues surrounding the care and treatment rendered to Jaime Ortiz at LAC+USC and the circumstances of his death. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review the care rendered by the County personnel and the cause of Jaime Ortiz' death.

Expenses incurred by the County of Los Angeles in the defense of this case through April 9, 2007, are attorney's fees of \$28,144.36 and \$10,781.72 in costs.

The total cost to the County of Los Angeles, as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$150,000.00
County Attorney's Fees and Costs	\$ 38,926.08
Medi-Cal Lien	\$ <u>0.00</u>
 TOTAL	 \$188,926.08

EVALUATION


Medical experts will be critical of the medical personnel's failure to timely consider an anastomotic leak in light of the patient's medical condition. This failure fell below the standard of care, and contributed to the death of Jaime Ortiz.

On April 25, 2006, a roundtable meeting was held with participants from LAC+USC, Department of Health Services, County Counsel, the County's claims administrator and the County's defense counsel. The case was fully discussed in that meeting, and a final decision was made to settle the case. On July 13, 2006, the County reached a tentative settlement with the plaintiffs.

We join with our private counsel, David O'Keefe, Esq., and our claims administrator, Sedgwick Coronia, in recommending settlement in the amount of \$150,000.00.

The Department of Health Services concurs in this settlement.

APPROVED:


RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment